



Rep. Donald L. Moffitt

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09800SB1456ham002

LRB098 07600 OMW 45640 a

1 AMENDMENT TO SENATE BILL 1456

2 AMENDMENT NO. _____. Amend Senate Bill 1456, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 1, as follows:

5 on page 1, in line 4, by replacing "Section 5." with the
6 following:

7 "Section 3. The Illinois Municipal Code is amended by
8 adding Section 10-4-12 as follows:

9 (65 ILCS 5/10-4-12 new)

10 Sec. 10-4-12. Cessation of existing municipal fire
11 protection or advanced life support services operations. If a
12 city or village owns, operates, or maintains any fire
13 protection or advanced life support services facility, that
14 city or village may not cease the operation and maintenance of
15 these facilities unless the proposed cessation is first

1 submitted by referendum to the voters of the city or village as
2 provided by subsection (b) of Section 15 of the Fire Protection
3 District Act.

4 Section 5."; and

5 on page 1, in line 5, by replacing "Section 16.03" with
6 "Sections 11b and 16.03 and by adding Section 15b"; and

7 on page 1, immediately below line 5, by inserting the
8 following:

9 "(70 ILCS 705/11b) (from Ch. 127 1/2, par. 31b)

10 Sec. 11b. In case any fire protection district organized
11 hereunder is coterminous with or includes within its corporate
12 limits in whole or in part any city, village or incorporated
13 town authorized to provide protection from fire and to regulate
14 the prevention and control of fire within such city, village or
15 incorporated town and to levy taxes for any such purposes, then
16 such city, village or incorporated town shall not exercise any
17 such powers as necessarily conflict with the powers to be
18 exercised by such district in respect to such fire protection
19 and regulation within the fire protection district from and
20 after the date that it receives written notice from the State
21 Fire Marshal to cease or refrain from the operation of any fire
22 protection facilities and the exercise of such powers, which

1 notice shall be given only after the State Fire Marshal has
2 ascertained that the Fire Protection District has placed its
3 fire protection facilities in operation. Such city, village or
4 incorporated town shall not thereafter own, operate, maintain,
5 manage, control or have an interest in any fire protection
6 facilities located within the corporate limits of the fire
7 protection district, except water mains and hydrants and except
8 as otherwise provided in this Act. If a city or village owns,
9 operates, or maintains any fire protection or advanced life
10 support services facility that is located in whole or in part
11 within or adjacent to the corporate limits of a fire protection
12 district organized under this Act, that city or village shall
13 not cease the operation and maintenance of these facilities
14 unless the proposed cessation is first submitted by referendum
15 to the voters of the city or village as provided by subsection
16 (b) of Section 15 of the Fire Protection District Act. If any
17 city or village owns, operates, or maintains any fire
18 protection facilities located within the corporate limits of a
19 fire protection district organized under this Act, that city or
20 village ~~The State Fire Marshal, upon request of the Board of~~
21 ~~Trustees of any Fire Protection District, shall ascertain~~
22 ~~whether the District's fire protection facilities are in~~
23 ~~operation so that it may supersede the power of any city,~~
24 ~~village or incorporated town to operate fire protection~~
25 ~~facilities within the boundaries of the District. Where in case~~
26 ~~any city, village or incorporated town is in fact owning,~~

1 ~~operating and maintaining fire protection facilities located~~
2 ~~within the corporate limits of a fire protection district~~
3 ~~organized under this Act, such city, village or incorporated~~
4 ~~town~~ shall be paid and reimbursed for its actual expenditures
5 and for all existing obligations incurred, including all
6 pension and annuity plans applicable to the maintenance of fire
7 protection facilities theretofore made in establishing such
8 facilities and in acquiring, constructing, improving or
9 developing any such existing facilities in the manner provided
10 for by this Act. The terms of payment shall provide for
11 reimbursement in full within not less than 20 years from the
12 date of such agreement.

13 (Source: P.A. 80-147.)

14 (70 ILCS 705/15b new)

15 Sec. 15b. Petition to cease operations; referendum;
16 transfer.

17 (a) Any fire department organized under the provisions of
18 the Municipal Code may cease the operation and maintenance of
19 fire protection and advanced life support services,
20 operations, and facilities by submitting a referendum to the
21 voters served by the fire department proposing to either
22 consolidate its services, operations, and facilities with an
23 existing fire protection district or by organizing a new
24 district in accordance with the procedures set forth under this
25 Act.

1 If the proposition involves consolidation of exiting fire
2 protection districts, the question shall be in substantially
3 the following form:

4 -----

5 Shall the services, operations,
6 and facilities provided by (name of fire
7 department) be discontinued and its YES
8 services, operations, facilities, duties, -----
9 powers, assets, liabilities, obligations, and NO
10 responsibilities be assumed by (name of Fire
11 Protection District)?

12 -----

13 If the proposition involves consolidation of exiting fire
14 protection districts, the question shall be in substantially
15 the following form:

16 -----

17 Shall the services, operations,
18 and facilities provided by (name of YES
19 fire department) be discontinued and -----
20 assumed by organizing a new fire NO
21 protection district named (name of new
22 fire protection district)?

23 -----

24 If a majority of the votes cast on the question are in
25 favor of discontinuance, the court shall enter an order
26 discontinuing the fire department. On the date that the court

1 order is entered discontinuing the fire department, all the
2 services, operations, facilities, rights, powers, duties,
3 assets, property, liabilities, obligations, and
4 responsibilities of the fire department shall be transferred by
5 the corporate authorities of the municipality and, by operation
6 of law, vest in and be assumed the fire protection district
7 designated by the referendum.

8 All employees of the dissolved fire department shall be
9 transferred to the fire protection district designated by the
10 referendum. The status and rights of such employees under the
11 Personnel Code shall not be affected by the transfer. The
12 rights of the employees and the State of Illinois and its
13 agencies under the Personnel Code and applicable collective
14 bargaining agreements or under any pension, retirement, or
15 annuity plan shall not be affected by this amendatory Act of
16 the 98th General Assembly.

17 All books, records, papers, documents, property (real and
18 personal), contracts, causes of action, and pending business
19 pertaining to the powers, duties, rights, and responsibilities
20 transferred by this amendatory Act of the 98th General
21 Assembly, including, but not limited to, material in electronic
22 or magnetic format and necessary computer hardware and
23 software, shall be transferred to the fire protection district
24 designated by the referendum."